

DIEMER & WEI, LLP

Kathryn S. Diemer (#133977)
100 West San Fernando Street, Suite 555
San Jose, CA 95113
Telephone: (408) 971-6270
Facsimile: (408) 971-6271
Email: kdiemer@diemerwei.com

WILLKIE FARR & GALLAGHER LLP

Matthew A. Feldman (*pro hac vice*)
Joseph G. Minias (*pro hac vice*)
Benjamin P. McCallen (*pro hac vice*)
787 Seventh Avenue
New York, NY 10019-6099
Telephone: (212) 728-8000
Facsimile: (212) 728-8111
Email: mfeldman@willkie.com
jminias@willkie.com
bmccallen@willkie.com

*Counsel for Ad Hoc Group of Subrogation
Claim Holders*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

**All papers shall be filed in the lead
case, No. 19-30088 (DM)*

Case No. 19-30088

Chapter 11

(Lead Case)

(Jointly Administered)

**NOTICE OF UPLOAD OF ORDER
GRANTING THE MOTION OF THE AD HOC
GROUP OF SUBROGATION CLAIM
HOLDERS FOR RELIEF FROM THE
AUTOMATIC STAY**

1 **PLEASE TAKE NOTICE THAT** contemporaneously herewith, the Ad Hoc Group of
2 Subrogation Claim Holders (the “**Ad Hoc Subrogation Group**”) is uploading a proposed order
3 (the “**Proposed Order**”), attached hereto as Exhibit A, in accordance with this Court’s
4 Memorandum Decision Regarding Motions for Relief from Stay (Dkt. No. 3571).

5 **PLEASE TAKE FURTHER NOTICE THAT** the language of the Proposed Order has
6 been agreed to by counsel for the Debtors, the Official Committee of Tort Claimants, and the
7 parties to all joinders filed to the motions for relief from stay.

8
9 Dated: August 21, 2019

10
11 **WILLKIE FARR & GALLAGHER LLP**

12
13 /s/ Benjamin P. McCallen
14 Matthew A. Feldman (*pro hac vice*)
15 Joseph G. Minias (*pro hac vice*)
16 Benjamin P. McCallen (*pro hac vice*)
17 787 Seventh Avenue
18 New York, NY 10019-6099
19 Telephone: (212) 728-8000
20 Facsimile: (212) 728-8111
21 Email: mfeldman@willkie.com
22 jminias@willkie.com
23 bmccallen@willkie.com

24
25 *Counsel for Ad Hoc Group of Subrogation Claim Holders*
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

DIEMER & WEI, LLP

Kathryn S. Diemer (#133977)
100 West San Fernando Street, Suite 555
San Jose, CA 95113
Telephone: (408) 971-6270
Facsimile: (408) 971-6271
Email: kdiemer@diemerwei.com

WILLKIE FARR & GALLAGHER LLP

Matthew A. Feldman (*pro hac vice*)
Joseph G. Minias (*pro hac vice*)
Benjamin P. McCallen (*pro hac vice*)
787 Seventh Avenue
New York, NY 10019-6099
Telephone: (212) 728-8000
Facsimile: (212) 728-8111
Email: mfeldman@willkie.com
jminias@willkie.com
bmccallen@willkie.com

*Counsel for Ad Hoc Group of Subrogation
Claim Holders*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Case No. 19-30088

Chapter 11

(Lead Case)

(Jointly Administered)

**ORDER GRANTING THE MOTION OF THE
AD HOC GROUP OF SUBROGATION CLAIM
HOLDERS FOR RELIEF FROM THE
AUTOMATIC STAY**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

**All papers shall be filed in the lead
case, No. 19-30088 (DM)*

1 The Official Committee of Tort Claimants (the “**TCC**”), on July 2, 2019, filed a motion
2 (the “**Motion**”) (Dkt. No. 2842),¹ pursuant to section 362(d)(1) of title 11 of the United States
3 Code (the “**Bankruptcy Code**”), sections 1334(c) and 1452(b) of title 28, Rules 4001 and
4 5011(b) of the Federal Rules of Bankruptcy Procedure and Rule 4004-1 of the Bankruptcy
5 Local Rules for the United States District Court for the Northern District of California for entry
6 of an order terminating the automatic stay to permit certain individuals to proceed to a jury trial
7 on their personal injury and property damage claims against the Debtors arising from the 2017
8 Tubbs Fire in the California Superior Court, and to request the Court in the California North
9 Bay Fire Cases, JCCP 4955, to order the claims of those individuals to proceed to a jury trial
10 with preference pursuant to Code of Civil Procedure section 36. On July 9, 2019, the TCC filed
11 an amendment to the Motion to include a number of individuals with personal injury, wrongful
12 death and property damage claims, as listed on **Exhibit A** hereto (the “**Tubbs Preference**
13 **Plaintiffs**”) (Dkt. No. 2904).

14 The following joinders were filed to the Motion: (1) the joinder by Co-Lead Counsel to
15 the North Bay Fire Cases, dated July 2, 2019 (Dkt. No. 2850); (2) the joinder by Barbara
16 Thompson, John Thompson, Matthew Thompson, Peter Thompson, Raymond Breitenstein, and
17 Stephen Breitenstein, dated July 3, 2019 (Dkt. No. 2861); (3) the joinder by John Caslin and
18 Phyllis Lowe, dated July 11, 2019 (Dkt. No. 2929); (4) the joinder by William Edelen, Roxanne
19 Edelen, The William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011,
20 Burton Fohrman, Raleigh Fohrman, The Fohrman Family Trust Dated February 3, 1976, Jeremy
21 Olsan, Ann DuBay, Jacob Olsan, the Jeremy L. Olsan and Ann M. DuBay Trust Dated
22 November 29, 2011, Kathleen Groppe, Ken Kirven, Brian Kirven, and the Estate of Monte
23 Kirven, dated July 11, 2019 (Dkt. No. 2930); (5) the joinder by Don Louis Kamprath, Ruth
24 Kamprath, the Donald L. Kamprath and Ruth Johnson Kamprath Revocable Trust, Elizabeth
25 Fourkas, Pete Fourkas, Alissa Fourkas, the Fourkas Family Trust, Greg Wilson, and Christina
26

27 ¹ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.
28

1 Wilson, dated July 11, 2019 (Dkt. No. 2942); (7) the joinder by Armando A. Berriz, Armando J.
2 Berriz, Carmen T. Meissner, Monica Berriz, and the Estate of Carmen Caldentey Berriz, dated
3 July 11, 2019 (Dkt. No. 2943); and (8) the joinder by the Singleton Law Firm Victim Claimants,
4 dated July 18, 2019, to add the individuals listed on **Exhibit B** hereto (Dkt. No. 3067).

5 The Ad Hoc Group of Subrogation Claim Holders², on July 3, 2019, filed a Motion for
6 Relief from the Automatic Stay, dated July 3, 2019 (the “**Subrogation Motion**”) (Dkt. No.
7 2863). The following joinders were filed to the Subrogation Motion: (1) the joinder filed on
8 behalf of AMICA Mutual Insurance Company, BG Resolution Partners I-A, L.L.C. (an Affiliate
9 of The Baupost Group, L.L.C.), Encompass Insurance Company, Fire Insurance Exchange,
10 Hartford Accident & Indemnity Company, Liberty Insurance Corporation, Mercury Insurance,
11 Nationwide Mutual Insurance Company, and United Services Automobile Association, dated
12 July 12, 2019 (Dkt. No. 2959) (the “**July 12 Joinder**”); and (2) the joinder by State Farm
13 Mutual Automobile Insurance Company and its affiliates and subsidiaries, dated July 15, 2019
14 (Dkt. No. 2983) (the “**July 15 Joinder**”). The parties to the July 12 Joinder and the July 15
15 Joinder are collectively referred to herein as the “**Subrogation Joining Parties.**”

16 On July 19, 2019, the following papers were filed in opposition to the Motion and the
17 Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of
18 Kevin J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured
19 Creditors filed an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support
20 thereof (Dkt. No. 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a
21 joinder to the Official Committee of Unsecured Creditors’ objection (Dkt. No 3106); and (4)
22 certain PG&E shareholders filed an objection (Dkt. No. 3108).

23 On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson, Peter
24 Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their
25

26 ² The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A to the Third
27 Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed on July 17, 2019 (Dkt. No.
28 3020).

1 joinder in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a
2 reservation of rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the
3 Singleton Law Firm Victim Claimants filed a response in support of the Motion (Dkt. No.
4 3449).

5 On August 14, 2019, the Court held a hearing on the Motion, the Subrogation Motion,
6 and the joinders thereto. The Court considered the Motion, the declarations of Steven M.
7 Campora, Robert A. Julian, and Brent C. Williams, the amended declaration of Michael A.
8 Kelly, the joinders to the Motion, the replies in support of the Motion, the Subrogation Motion,
9 the declaration of Benjamin P. McCallen, the joinders to the Subrogation Motion, the
10 oppositions of the Debtors, the Official Committee of Unsecured Creditors, the Ad Hoc
11 Committee of Senior Unsecured Noteholders, and the PG&E shareholders, and the declarations
12 of Kevin J. Orsini and Thomas R. Kreller. On August 16, 2019, the Court issued its Decision
13 Regarding Motions for Relief from Stay (“**Memorandum Decision**”) (Dkt. No. 3571).

14 Now therefore, the Court having considered the papers and the argument of counsel at the
15 hearing, and for the reasons stated in the Memorandum Decision, **IT IS HEREBY ORDERED**
16 **THAT:**

17 1. The Subrogation Motion and the joinders thereto are granted and the automatic
18 stay is terminated as requested in the Subrogation Motion to allow the members of the Ad Hoc
19 Group of Subrogation Claim Holders, including the Subrogation Joining Parties, and the
20 respective insurers for the preference plaintiffs listed on Exhibits A and B hereto, to pursue to
21 judgment their claims against the Debtors regarding the issue of the Debtors’ liability for the
22 Tubbs Fire in the California Superior Court, where the claims are currently pending in JCCP
23 4955.

24 2. The automatic stay shall remain in full force and effect for all other purposes
25 including with respect to the enforcement of any judgment that may be obtained by reason of the
26 termination of the automatic stay as provided above.

1 3. Notwithstanding Bankruptcy Rule 4001(a)(3), or any other Bankruptcy Rule, this
2 Order shall be immediately effective and enforceable upon its entry.

3 4. This Court shall retain jurisdiction to hear and determine all matters arising from
4 or related to the implementation, interpretation, or enforcement of this Order.

5
6 *** END OF ORDER ***
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Alleged Tubbs Preference Plaintiffs Identified in the Motion and Alleged Indispensable Parties Thereto

Barbara Thompson (Joinder Dkt. No. 2861)

Indispensable Party: John Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Matthew Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Peter Thompson (Joinder Dkt. No. 2861)

Raymond Breitenstein (Joinder Dkt. No. 2861)

Indispensable Party: Stephen Breitenstein (Joinder Dkt. No. 2861)

John Caslin (Joinder Dkt. No. 2929)

Phyllis Lowe (Joinder Dkt. No. 2929)

William Edelen (Joinder Dkt. No. 2930)

Indispensable Party: Roxanne Edelen (Joinder Dkt. No. 2930)

Indispensable Party: The William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011 (Joinder Dkt. No. 2930)

Burton Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: Raleigh Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: The Fohrman Family Trust Dated February 3, 1976 (Joinder Dkt. No. 2930)

Indispensable Party: Jeremy Olsan (Joinder Dkt. No. 2930)

Indispensable Party: Ann DuBay (Joinder Dkt. No. 2930)

Indispensable Party: Jacob Olsan (Joinder Dkt. No. 2930)

Indispensable Party: The Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011 (Joinder Dkt. No. 2930)

Heirs of decedent Monte Kirven (Kathleen Groppe, Ken Kirven and Brian Kirven) (Joinder Dkt. No. 2930)

Indispensable Party: Kathleen Groppe (Joinder Dkt. No. 2930)

Indispensable Party: Ken Kirven (Joinder Dkt. No. 2930)

Indispensable Party: Brian Kirven (Joinder Dkt. No. 2930)

1 Indispensable Party: The Estate of Monte Kirven (Joinder Dkt. No. 2930)
2 Don Louis Kamprath (Joinder Dkt. No. 2942)
3 Indispensable Party: Ruth Kamprath (Joinder Dkt. No. 2942)
4 Indispensable Party: The Donald L. Kamprath and Ruth Johnson Kamprath Revocable
5 Trust (Joinder Dkt. No. 2942)
6 Elizabeth Fourkas (Joinder Dkt. No. 2942)
7 Indispensable Party: Pete Fourkas (Joinder Dkt. No. 2942)
8 Indispensable Party: Alissa Fourkas (Joinder Dkt. No. 2942)
9 Indispensable Party: The Fourkas Family Trust (Joinder Dkt. No. 2942)
10 Greg Wilson (Joinder Dkt. No. 2942)
11 Christina Wilson (Joinder Dkt. No. 2942)
12 Armando A. Berriz (Joinder Dkt. No. 2943)
13 Heirs of Carmen Caldentey Berriz (Armando J. Berriz, Carmen T. Meissner, Monica Berriz)
14 Indispensable Party: The Estate of Carmen Caldentey Berriz (Joinder Dkt. No. 2943)
15 Indispensable Party: Armando J. Berriz (Joinder Dkt. No. 2943)
16 Indispensable Party: Carmen T. Meissner (Joinder Dkt. No. 2943)
17 Indispensable Party: Monica Berriz (Joinder Dkt. No. 2943)
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

Preference Plaintiffs Identified in Joinder of Singleton Law Firm Victim Claimants (Dkt. No. 3067)

Thomas Milton Howard

Catherine Maffioli

Glenda Samson

Barbara Spengler

Evelyn Venturi

COURT SERVICE LIST

ECF Recipients Only.